

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTHA MAE MITCHELL,

Defendant.

**CR-13-33-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 5, 2022. (Doc. 77.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).


Judge Johnston conducted a revocation hearing on August 4, 2022. (Doc. 72.) The United States accused Mitchell of violating her conditions of supervised

release 1) by using methamphetamine; 2) by failing to report for substance abuse treatment; 3) by failing to report for substance abuse testing; 4) by failing to reside a a place approved by her probation officer; and 5) by committing another crime. (Doc. 71.)

At the revocation hearing, Mitchell admitted to violating the conditions of her supervised release 1) by using methamphetamine; 2) by failing to report for substance abuse treatment; 3) by failing to report for substance abuse testing; 4) by failing to reside a a place approved by her probation officer; and 5) by committing another crime. (Doc. 72.) Judge Johnston found that the violations Mitchell admitted proved to be serious and warranted revocation, and recommended that Mitchell receive a custodial sentence of 6 months with no supervised release to follow. (Doc. 77.) Mitchell was advised of her right to appeal and her right to allocute before the undersigned. (Doc.72.) The violation proves serious and warrants revocation of Mitchell's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Martha Mae Mitchell be sentenced to the custody of the United States Bureau of Prisons for 6 months with no supervised release to follow.

DATED this 22<sup>nd</sup> day of August, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and "M".

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Brian Morris, Chief District Judge  
United States District Court